## Advisory Action

Application no.	Applicant(s)		
08/479,810	BEDNORZ ET AL.		
Examiner	Art Unit		
Mark Kopec	1796		
Mark Kopec			

•	before the riling of an Appeal Brief	Examiner	Art Unit	
		Mark Kopec	1796	
	-The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	iress
THE	REPLY FILED 04/19/06 (4th AF) FAILS TO PLACE THIS	APPLICATION IN CONDITION FO	R ALLOWANCE.	
1.	The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff tice of Appeal (with appeal fee) in (	idavit, or other evider compliance with 37 C	nce, which FR 41.31: or (3)
a)	The period for reply expiresmonths from the mailing	g date of the final rejection.		
b)	The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to	ater than SIX MONTHS from the mailing	g date of the final rejecti	on.
	Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	(b). ONLY CHECK BOX (b) WHEN THE 06 07/h	E FIRST REPLY WAS F	ILED WITHIN
have unde: set fo may :	isions of time may be obtained under 37 CFR 1.136(a). The date been filed is the date for purposes of determining the period of exit 37 CFR 1.17(a) is calculated from: (1) the expiration date of the orth in (b) above, if checked. Any reply received by the Office later reduce any earned patent term adjustment. See 37 CFR 1.704(b) ICE OF APPEAL	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply origing than three months after the mailing date.	of the fee. The appropringly set in the final Offi	iate extension fee ce action: or (2) as
	The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte	pliance with 37 CFR 41.37 must be usion thereof (37 CFR 41.37(e)) to	filed within two month	ns of the date of
AME	a Notice of Appeal has been filed, any reply must be filed NDMENTS	within the time period set forth in 3	37 CFR 41.37(a).	e appear. Orice
3. [	The proposed amendment(s) filed after a final rejection,  (a) They raise new issues that would require further co  (b) They raise the issue of new matter (see NOTE belo	nsideration and/or search (see NO	, will <u>not</u> be entered b TE below);	ecause
	(c) They are not deemed to place the application in being appeal; and/or		ducing or simplifying	the issues for
	(d) They present additional claims without canceling a		ected claims.	
4 [	NOTE: (See 37 CFR 1.116 and 41.33(a)). The amendments are not in compliance with 37 CFR 1.1		maliant Amandment	(DTOL 224)
5.	Applicant's reply has overcome the following rejection(s)		mbiant vineurment	(P10L-324).
6.			timely filed amendme	int canceling the
7. 🔀	For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is profite status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>see Status Paper</u> .	☐ will not be entered, or b) ☑ will will not be entered, or b) ☑ will will will will will will will wi	ll be entered and an e	explanation of
	Claim(s) objected to: Claim(s) rejected: <u>see Status Paper</u> .			
AFFI	Claim(s) withdrawn from consideration: 73-76,82,83,377 (DAVIT OR OTHER EVIDENCE	and 378.		`
	The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).	d sufficient reasons why the affiday	rit or other evidence is	necessary and
9. 🗀	The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appe	al and/or appellant fai	ils to provide a
	The affidavit or other evidence is entered. An explanation	n of the status of the claims after e	ntry is below or attact	ied.
	UEST FOR RECONSIDERATION/OTHER  7 The request for managidamtion has been considered by	t does NOT place the conficction is	a anadition for allower	b
. I. L	The request for reconsideration has been considered bu	it does NOT place the application if	1 Condition for allowal	ice decause:
	<ul><li>Note the attached Information Disclosure Statement(s).</li><li> ☐ Other: See examiner note in Status paper. </li></ul>	(PTO/SB/08) Paper No(s)		
			Make	
	4th		/Mark Kopec/ Primary Examiner Art Unit: 1796	

Application no.	Applicant(s)
08/479,810	BEDNORZ ET AL.
Examiner	Art Unit
Mark Kopec	1796

. Before the Filing of an Appeal Brief	Examiner	Art Unit	
	Mark Kopec	1796	
-The MAILING DATE of this communication appe	ears on the cover sheet with the c	orrespondence add	70SS
THE REPLY FILED <u>09/13/08 (7th AF)</u> FAILS TO PLACE THIS	<b>APPLICATION IN CONDITION FO</b>	R ALLOWANCE.	
<ol> <li>The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follo places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in complian time periods:</li> </ol>	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in (	idavit, or other eviden compliance with 37 Cl	rce, which FR 41.31; or (3)
a) The period for reply expiresmonths from the mailin	g date of the final rejection.		
b) The period for reply expires on: (1) the mailing date of this a no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	Advisory Action, or (2) the date set forth later than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THI	g date of the final rejecti	on.
Extensions of time may be obtained under 37 CFR 1.138(a). The date have been filed is the date for purposes of determining the period of extending the period of extending the period of extending the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL.	on which the petition under 37 CFR 1.1 dension and the corresponding amount shortened statutory period for reply origor than three months after the mailing da	of the fee. The appropri inally set in the final Offi	ate extension fee ce action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in comfiling the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed.</li> </ol>	ension thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
AMENDMENTS			
<ol> <li>The proposed amendment(s) filed after a final rejection,</li> <li>They raise new issues that would require further or</li> </ol>	but prior to the date of filing a brief	, will <u>not</u> be entered be	ecause
(b) They raise the issue of new matter (see NOTE below		I E Delow);	
(c) They are not deemed to place the application in be appeal; and/or		ducing or simplifying	the issues for
(d) They present additional claims without canceling a	, -	ected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)).	•		۵
4. The amendments are not in compliance with 37 CFR 1.1		mpliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s):  6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the			
<ol><li>Newly proposed or amended claim(s) would be a non-allowable claim(s).</li></ol>	Howable it submitted in a separate,	timely filed amendme	ent canceling the
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>see Status Paper</u> .  Claim(s) objected to:  Claim(s) rejected: see Status Paper.	☐ will not be entered, or b) ☑ will will not be entered, or b) ☑ will will will will will will will wi	ll be entered and an e	explanation of
Claim(s) rejected: <u>see Status Peper</u> . Claim(s) withdrawn from consideration: <u>73-76.82,83,377</u>	and 378.		
AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good ar was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
7. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).			
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.			
REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:			
12. ☐ Note the attached Information Disclosure Statement(s).  13. ☑ Other: See examiner note in Status paper.	(PTO/SB/08) Paper No(s)		
		Make	
Tth		/Mark Kopec/ Primary Examiner Art Unit: 1796	

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Application No.	Applicant(s)
08/479,810	BEDNORZ ET AL.
Examiner	Art Unit
Mark Kopec	1796

_	oreit are i ming of all Appeal Dilei	Examiner	Art Unit	
		Mark Kopec	1796	
	-The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress
THE R	EPLY FILED <u>09/18/06 (8th AF)</u> FAILS TO PLACE THIS	APPLICATION IN CONDITION FO	R ALLOWANCE.	
1. [] T tt p a	he reply was filed after a final rejection, but prior to or or or his application, applicant must timely file one of the folion laces the application in condition for allowance; (2) a Not Request for Continued Examination (RCE) in compliant me periods:	the same day as filing a Notice of wing replies: (1) an amendment, aff tice of Appeal (with appeal fee) in a	Appeal. To avoid aba idavit, or other evidence with 37 Cl	ice, which
a) [	The period for reply expiresmonths from the mailing	g date of the final rejection.		
b) [	The period for repty expires on: (1) the mailing date of this A no event, however, will the statutory period for repty expire it	Advisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing	g date of the final rejecti	on.
<b>-</b>	Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07 <del>(f)</del> .		
nave be under 37 set forth may red	ons of time may be obtained under 37 CFR 1.136(a). The date en filed is the date for purposes of determining the period of ex 7 CFR 1.17(a) is calculated from: (1) the expiration date of the in (b) above, if checked. Any reply received by the Office later uce any earned patent term adjustment. See 37 CFR 1.704(b) E OF APPEAL.	tension and the corresponding amount shortened statutory period for reply origing than three months after the mailing de-	of the fee. The appropri	ate extension fee
a	he Notice of Appeal was filed on A brief in comp ing the Notice of Appeal (37 CFR 41.37(a)), or any exte Notice of Appeal has been filed, any reply must be filed	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	s of the date of e appeal. Since
	<u>OMENTS</u>			
3. [] 7	The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief,	will <u>not</u> be entered be	ecause
3) 1\	They raise new issues that would require further co They raise the issue of new matter (see NOTE belo	nsideration and/or search (see NO	TE below);	
	They are not deemed to place the application in being appeal; and/or		ducing or simplifying t	the issues for
(0	They present additional claims without canceling a	corresponding number of finally rei	ected claims	
•	NOTE: (See 37 CFR 1.116 and 41.33(a)).		occurrence.	
4. 🔲 1	The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice of Non-Co	mpliant Amendment (	PTOL-324).
5. 📙 🖊	Applicant's reply has overcome the following rejection(s)	•		•
n	Newly proposed or amended claim(s) would be all on-allowable claim(s).			_
hi Ti C	or purposes of appeal, the proposed amendment(s): a) ow the new or amended claims would be rejected is prothe status of the claim(s) is (or will be) as follows: laim(s) allowed:			

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Application No.	Applicant(s)	·
08/479,810	BEDNORZ ET AL.	
Examinar	Art Unit	
Mark Kopac	1798	

@	CETTERUNINER	an unk	1
	Mark Kopec	1723	
The MAILING DATE of this communication appe	ears on the cover chest with the c	omespondence add	/1966
THE REPLY FILED <u>11/03/03 (9th AF)</u> FAILS TO PLACE THIS	APPLICATION IN CONDITION FOR	RALLOWANCE	
<ol> <li>The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliant time periods:</li> </ol>	n the same day as filing a Notice of wing replies: (1) an amendment, aff plice of Appeal (with appeal (se) in (	Appeal. To avoid abs idavit, or other evider concliance with 37 C	103, which FR 41 31: or (3)
a) The period for reply expiresmonths from the mattin	neitheir lank and la clab a		
b) The period for reply expires on: (1) the mailing date of this is no event, however, will the statutory period for reply expire it	Advisory Action, or (2) the date set forth ster than SIX MOXITHS from the meding	g date of the final rejecti	0ฑ.
Examinar Nota: If box 1 is chacked, chack either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MIPEP 7	ር3.07(የ).		
Extensions of time may be obtained under 37 CFR 1.138(a). The date	on which the position under 37 CFR 1.1	36(a) and the appropria	te extension fee
have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	shortened statutory period for reply origi Tiben three months after the mallion det	maily set in the final Off	co action: or (2) co
<ol> <li>The Notice of Appeal was filed on A brief in complising the Notice of Appeal (37 CFR 41.37(a)), or any extea Notice of Appeal has been filed, any reply must be filed.</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	is of the date of e appeal. Since
AMENDMENTS	willian and time betwee set ional in o	1 Of K \$1.57(a).	
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	d benefine ed ton like	ecatice
(a) They raise new issues that would require further co	nsideration and/or search (see NO)	TE balow):	Sociese
(b) They raise the issue of new matter (see NOTE belo	≈);	•	
<ul> <li>(c) They are not deemed to place the application in be appeal; and/or</li> </ul>	iter form for appeal by materially re-	ducing or simplifying	the issues for
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected claims.	
8. The amendments are not in compliance with 37 CFR 1.1		maliant Amandmant	(DTOL 224)
5. Applicant's reply has overcome the following rejection(s)		mpienii Antendinent (	(F10L\32\).
6. Newly proposed or amended claim(s) would be a		limely filed amendme	nt canceling the
non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro-	图 wilfinot be entered, or b) 口 will vided below or appended.	l be entered and an e	explanation of
The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>see Status Paper</u> .			
Claim(s) objected to:			
Claim(s) rejected: <u>see Status Paper.</u> Claim(s) withdrawn from consideration: <u>73-76,82,83,377</u>	and 378		
AFFIDAVIT OR OTHER EVIDENCE	2102 47 4.		
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	it before or on the date of filing a No d sufficient reasons why the affidav	otice of Appeal will <u>no</u> It or other evidence is	i be entered necessary and
2. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	wercome <u>all</u> rejections under appea	d and/or appellant fai	ls to provide a
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.			
REQUEST FOR RECONSIDERATION/OTHER  11. $\square$ The request for reconsideration has been considered bu	it does NOT place the application in	condition for allower	ice because:
2. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).			
3. 🖾 Other: Remarks not timely filed.		A 1 A	
		Mall	
9th		Mark Kopec/ Primary Examiner Art Unit: 1793	

### Advisory Action

appression row.	whitemanical
08/479,810	BEDNORZ ET AL.
Examinar	Art Unit
Wark Kopec	1793

Before the Filing of an Appeal Brief -The MAILING DATE of this communication appears on the cover sheet with the correspondence address -THE REPLY FILED <u>11/13/05 (10th AF)</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidevit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires \_\_\_ \_\_months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final relaction, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examinar Nota: If box 1 is chacked, chack either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION, SOO MPEP 705.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the position under 37 CFR 1.138(a) and the appropriate extension (see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on \_ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. Tor purposes of appeal, the proposed amandment(s): a) 🔲 will not be entered, or b) 🔯 will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: Claim(s) rejected: see Status Paper. Claim(s) withdrawn from consideration: 73-76.82.83.377 and 378. AFFIDAVIT OR OTHER EVIDENCE 8. 🗌 The affidavit or other evidence filed after a final action, but bafore or on the date of filing a Notice of Acceal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. 🔲 The affidavit or other evidence filed after the date of filing a Motice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Mole the attached Information Disclosure Statement(s). (PTO/S8/08) Paper No(s). 13. X Other: See claim Status Sheet. Mark

10 th

Mark Kocec/ Primary Examiner Art Unit: 1798

application no.	Applicant(s)
08/479,810	BEDNORZ ET AL.
Examiner	Art Unit
Marti Kopec	1788

Advisory Action Before the Filing of an Appeal Brief —The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 11/14/03 (11th AF) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. 🔲 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely fits one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) 🔲 The period for reply expires \_\_ \_\_months from the mailing date of the final rejection. b) 🔲 The parted for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SDI MONTHS from the mailing date of the final rejection. Examiner Mote: If box 1 is checked, check either box (a) or (b). OXLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MIPEP 708.07(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the position under 37 CFR 1.136(a) and the appropriate extension fee have been filled in the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory parted for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term edjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on \_\_ \_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. 🔲 The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal: and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)). 4. 🔲 The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. 🔀 For purposes of appeal, the proposed amendment(s): a) 🔲 will not be entered, or b) 🔀 will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: Claim(s) rejected: see Status Paper. Claim(s) withdrawn from consideration: 73-76,82,83,377 and 378. AFFIDAVIT OR OTHER EVIDENCE 8. 🔲 The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered bacause applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. 🔲 The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 13. X Other: See daim Status Sheet. Anak

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Mark Kopec/ Primary Examiner Art Unit: 1798

Application No.	Applicand(s)	
08/479,810	BEDNORZ ET AL.	
Exeminar	Art Unit	
Mark Kopac	1798	

	Mest Kopec	1798		
—The MAILING DATE of this communication appa	•	l :omespondence add	ress	
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The reply was filed after a final rejection, but prior to or or this application, applicant must timely fite one of the folicy places the application in condition for allowance; (2) a No.	HE REPLY FILED 11/21/03 (12th AF) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following			
a) The period for reply expires months from the malfin	g date of the final rejection.			
b) The period for reply empires on: (1) the mailing date of this A no event, however, will the statutory period for reply empire (Examiner Note: If box 1 is checked, check either box (a) or	later then SIX MONTHS from the mailing	g date of the final rejecti	on.	
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	'08.07(໗.			
Extensions of time may be obtained under 37 CFR 1.138(a). The data have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) MOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Off	iate extension fee ice action; or (2) as	
2. The Notice of Appeal was filed on A brief in comfling the Notice of Appeal (37 CFR 41.37(a)), or any extensions a Notice of Appeal has been filed, any reply must be filed.	ension thereof (37 CFR 41.37(e)), to	o avoid dismissal of the	hs of the date of ne appeal. Since	
AMENDMENTS	• • • • • • • • • • • • • • • • • • • •			
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will <u>not</u> be entered b	ecause	
(a) They raise new issues that would require further or				
(b) They raise the issue of new matter (see MOTE bak				
(c) They are not desemed to place the application in be appeal; and/or		, •	the issues for	
(d) They present additional claims without canceling a	· -	ected claims.		
NOTE: (See 37 CFR 1.116 and 41.33(a))			MTOL ODA	
4. The amendments are not in compliance with 37 CFR 1.1		ompliant Amendment	(PTOL-324).	
5. Applicant's reply has overcome the following rejection(s		Aimah Glad amandm	edt meileemee tee	
<ol> <li>Newly proposed or amended claim(s) would be a non-allowable claim(s).</li> </ol>	nowaota n suomnieti in a seperate.	musiy mso sinsion	ant cancating ma	
7. X For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	Ø wij not be entered, or b) ☐ wi ovided below or appended.	ill be entered and an	explanation of	
Claim(s) allowed: see Status Paper.				
Claim(s) objected to: Claim(s) rejected: <u>see Status Paper</u> .				
Claim(s) rejected. <u>529 Status report.</u> Claim(s) withdrawn from consideration: <u>73-76.82.83.377</u>	and 378.			
AFFIDAVIT OR OTHER EVIDENCE				
<ol> <li>The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good at was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	nd sufficient reasons why the affidar	vil or other evidence i	is necessary and	
<ol> <li>The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessa</li> </ol>	overcome <u>all</u> rejections under appa ry and was not earlier presented. S	el and/or appellant fe See 37 CFR 41.33(d)(	iils to provide a (1).	
10. The affidavit or other evidence is entered. An explanation of the	on of the status of the claims after (	entry is below or attac	hed.	
11. The request for reconsideration has been considered b	ut does NOT place the application i	in condition for allowa	ince because:	
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).				
13. 図 Other: <u>See claim Status Sheet</u> .		Mark		
12th		/Wark Kopec/ Primary Examiner Art Unit: 1798		

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

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08/479,810	BEDNORZ ET AL.
Exeminar	Art Unit
Wark Kopec	1788

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 11/25/03 (13th AF) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

THE NET TILLD THE SECTION AND TALES TO PEACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidevit, or other evidence, which
places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3
a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
a) The paried for rapily expiresmonths from the mailing date of the final rejection.
b) The paried for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later, no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examinar Nota: If box 1 is chacked, chack either box (a) or (b). CXLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. Sea MIPEP 703.07(f).
Embounders of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally est in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).
AMENDMENTS
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because  (a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the isaue of new matter (see NOTE below);
(c) ☑ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) 🔯 They present additional claims without cancelling a corresponding number of finally rejected claims.
NOTE: (See 37 CFR 1.116 and 41.33(a)).
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s):
8. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) W will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: see Status Paper.
Claim(s) objected to:
Claim(s) rejected: see Status Paper.
Claim(s) withdrawn from consideration: 73-76,82,83,377 and 378.
AFFIDAVIT OR OTHER EVIDENCE
8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary an was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appealant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).
13. 🖾 Other: Not timely filed.
Made

13 th

Mark Kopec/ Primary Examiner Art Unit: 1798

Application No.	Applicant(s)	<del></del>
08/479,810	BEDNORZ ET AL.	
Examinor	Art Unit	
Ment Kopec	1723	

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 11/25/03 (14th AF) FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. 🔲 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for raply expires\_ \_months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later then SIX MONTHS from the mailing date of the final rejection. Examinar Mota: If box 1 is chacked, chack either box (6) or (0). ONLY CHECK BOX (6) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MIPEP 703.07(1). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the position under 37 CFR 1.138(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if chactied. Any reply received by the Onitos later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of
ming the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since
a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).
AMENDWENTS
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) 🔀 They are not deemed to place the application in batter form for appeal by materially reducing or simplifying the issues for

	19 may and the property of property in porter total for spherical legislating of still fill in 120082 if
	appeal; and/or
	(d) They present additional claims without canceling a corresponding number of finally rejected claims.
	NOTE: (See 37 CFR 1.118 and 41.33(a)).
₿. 🔲	The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. 🔲	Applicant's reply has overcome the following rejection(s):
	Newly proposed or amended claim(s) would be allowable if submitted in a senarge timely filed amendment cancelling

non-allowable claim(s). 7. A For purposes of appeal, the proposed amandment(s): a) D will not be detered, or b) will be entered and an explanation of

how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: see Status Paper.

Claim(s) objected to:

Claim(s) rejected: see Status Paper.

Claim(s) withdrawn from consideration: 73-76,82,83,377 and 378.

#### AFFIDAVIT OR OTHER EVIDENCE

8. 🗌 The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(a).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER

14th

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).

13. X Other: Not timely filed.

Mark Kopec/ Primary Examiner Art Unit: 1788

PTOL-303 (Rev. 08-06)

Application No.	Applicant(s)
08/479,810	BEDNORZ ET AL.
Examinar	Art Unit
Ment Kopec	1798

Advisom Action Before the Filing of an Appeal Brief —The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED <u>11/27/03 (15th AF)</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires \_\_\_ \_\_months from the mailing date of the final rejection. b) The particl for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Exeminer Note: If box 1 is checked, check exiter box (a) of (b). Oxly Check Box (b) when the first reply was filed within TWO MONTHS OF THE FINAL REJECTION. Soo MPEP 703.07(1). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the position under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension (see under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the melling date of the final rejection, even if timely field, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on \_ . A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. 🔲 The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below): (c) 🔯 They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal: and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: \_\_\_\_\_. (See 37 CFR 1.118 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. X For purposes of appeal, the proposed amendment(s): a) X will/not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: see Status Paper. Claim(s) objected to: Claim(s) rejected: see Status Paper. Claim(s) withdrawn from consideration: 73-76.82.83,377 and 378. AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. 🗌 The efficient or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. 🔲 Note the attached Information Disclosure Statement(s). (PTO/SB/08) Papsr No(s). 🗘 13. M Other: Not timely filed. Anak

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Mark Kocaci Primary Examiner Art Unit: 1798